

Application No. 10/670,443
Reply to Office Action mailed December 20, 2004

Remarks

Claims 1-20 were initially pending. Claims 1-13, 15-20 were initially rejected. Claim 14 is objected to. Claims 1, 13, 14 and 20 have been amended. Claims 1-20 remain pending in the application.

The Claim Objections

Claim 14 is objected to because claim 14 recites the same language as claim 3 and both are dependent on claim 1. Claim 14 has now been amended so that it depends on claim 13. As such, it is believed that the claim objection regarding claim 14 has been overcome.

The 35 U.S.C. 102(b) Rejection

Claims 1, 2, 7, 8, 13, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Pfaff (EP 0479367A2). This rejection is respectfully traversed in view of amended claims.

Independent claims 1 and 13, as amended, set forth a method for controlling induction sound of an internal combustion engine in which the control signal is not modified, thus forming an open loop system as shown in Figure 1 and described in the as filed specification beginning on page 6, line 1 for example.

The Pfaff patent, by contrast, discloses a closed loop system for attenuating engine noise. By way of example, Pfaff discloses the use of an error microphone 30 (Figure 1) to develop an analogue ERROR₁ feedback signal. The ERROR₁ feedback signal is directed back to the controller 26 and is used to minimize induction noise propagating out of the engine 10 (page 4, lines 25-30). As such, it is believed that amended independent claims 1 and 13, and dependent claims 2, 7, 8 and 18, 19 respectively, are not anticipated or rendered obvious by Pfaff.

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The 35 U.S.C. 103 Rejections

Claim 3 is rejected under 35 USC 103(a) as being unpatentable over Pfaff (EP 0479367A2) in view of Duckworth et al (US Patent No. 5,627, 529). Claims 4, 5, 15 and 16 are rejected under 35 USC 103(a) as being unpatentable over Pfaff (EP 0479367A2) in view of Todter et al. (US Patent 5, 937, 070). Claims 6, 12 and 17 are rejected under 35 USC 103(a) as being unpatentable over Pfaff (EP 0479367A2) in view of Kinoshite et al. (US Patent No. 5,245,664). Claim 11 is rejected under 35 USC 103(a) as being unpatentable over Pfaff (EP 0479367A2) in view of Kuo (US Patent No. 5,940,519). Claims 9 and 20 are rejected under 35 USC 103(a) as being unpatentable over Pfaff (EP 0479367A2) in view of Cairns (US Patent Application 2002/0097884). These rejections are respectfully traversed in view of the current amendment.

Independent claims 1, 13 and 20, as amended, set forth a method for controlling induction sound of an internal combustion engine in which the control signal is not modified, thus forming an open loop system as shown in Figure 1 and described in the as filed specification beginning on page 6, line 1 for example.

The Pfaff patent, by contrast, discloses a closed loop system for attenuating engine noise. By way of example, Pfaff discloses the use of an error microphone 30 (Figure 1) to develop an analogue ERROR₁ feedback signal. The ERROR₁ feedback signal is directed back to the controller 26 and is used to minimize induction noise propagating out of the engine 10 (page 4, lines 25-30).

Pfaff does not disclose or suggest the use of open loop active noise control systems as set forth in the claims. As such, there would be no reason why one of ordinary skill in the art, who was faced with the same problems confronting the applicant and who had no prior knowledge of applicant's claimed structure, would consult Pfaff, either alone or in combination with another patent. As such, it is believed that amended

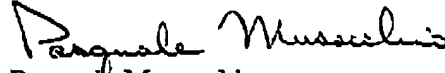
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independent claims 1, 13 and 20, and dependent claims 2-12, 14-19 are not rendered obvious by Pfaff. Therefore, it is believed that the rejections have been overcome.

Since the applicant has fully distinguished the patents cited in the Office Action, it is respectfully submitted that in regard to the above amendments and remarks that claims 1- 20 are allowable and that the application should be allowed. Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of the application at large, request is made that the Examiner telephone the applicant's attorney at (732) 321-3193 in order that any outstanding issues be resolved. While it is believed that no additional fee is due, the undersigned authorizes the charging of any fee deficiency that is due to Deposit Account No. 19-2179.

Respectfully submitted,


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Dated: APRIL 20, 2005

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